SPIRIT OF THE PRESS.

EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS-COMPILED EVERY BAY FOR THE EVENING TRUEGRAPH.

The National Expenditures. From the N. Y. Tribune.

For many months, the most atrocious falsehoods with regard to the ourrent expenses of the Federal Government have been the principal stock in trade of the enemies of human liberty. The assertions of Horatio Seymour in his Bridgeport speech that, in the fiscal year then current, but since closed, it was costing more than \$150,000,000 per annum to maintain an army to keep the people of the South in subjection"—that "More than \$300,-000,000 a year have been wasted in order to uphold this policy of reconstruction"-that Now, \$400,000,000 are raised, and out of it the public creditor gets only \$100,000,000". are fair specimens of the gigantic, villainous Hes that have been put forth as facts in Copperhead harangues and editorials for the last

eight or ten months. The Hon. William B. Allison, of Iowa, was moved to solicit of the Hon. David A. Wells, Special Commissioner of Revenue, an exhibit of the actual income and expenditure of the Federal Government for the fiscal year which closed barely one month ago. He made his inquiry on the 9th of July; but the accounts were not yet made up, so that he did not an swer till the 15th—which is earlier, we be lieve, than the accounts of a fiscal year closing with the preceding month were ever laid be fore the public. Of course, they may possibly require subsequent correction as to the petty details; but that they are substantially accurate, and within a fraction of the exact figures no one doubts. Let us see, then, how the official facts compare with Governor Seymour's

Governor Seymour guessed the income for the then current fiscal year at \$400,000,000; and it was actually \$406,300,000 (very nearly); so that it is proved that he can make very good guesses when no political capital is to accrue from making bad ones.

Now look at the other side of the account: He asserts that the cost of maintaining an army to subjugate the South for the fiscal year 1867-'68 was 'more than \$150,000,000;" and that "more than \$300,000,000 a year have been wasted in order to uphold this policy of reconstruction." Mr. Wells' report shows that the entire cost of maintaining our army, supporting the Freedmen's Bureau, and defraying the expenses of reconstruction at the South, amounted in the aggregate to \$62,727,680 though this includes the outgoes of a wasteful Indian war on the Plains, and \$1,000,000 appropriated to feeding Indians whom we had ceased to fight. Very much of the \$5,000,000 spent by the Freedmen's Bureau went to feed the helpless widows and orphans of white rebels left destitute by the collapse of the Confederacy; nearly all the residue was paid for registering voters and holding elections in States where the Freedmen's Bureau is now being closed out, while military rule is already

Governor Seymour asserted that of the \$400,000,000 of revenue for the then current year, the public creditor gets but \$100,000,000. Mr. Wells' report shows that no less than \$141,635,551 were paid in that year for interest on the public debt-much of it being the back interest on the compound interest notes, which were paid off in that year with the three years' compound interest due on them-so that the interest on the national debt henceforth is but \$126,000,000 per annum. After paying this current interest and back interest, there were \$34,749,747 left wherewith to reduce the principal of the debt. Thus the year's revenue delded for the payment of interest and principal of the debt no less than \$176,385,298, being ,385,298 more than Seymour asserted.

Governor Seymour asserted that "More than \$300,000,000 a year have been wasted in order to uphold this policy of Reconstruction." Mr. Wells' report shows that the payments from the Treasury for every purpose except payment of principal or interest of the National Debt were less than Two hundred and thirty millions (precisely, \$229,914,674); and that of this amount, besides many millions for Pensions, there were paid

Payments for property lost in the Military Service of the United States 5,111,300 These three items-together \$53,441,488are payment of public debt as much as though they had bought up and canceled so many Five-twenties. They are so much of the cost of putting down the Rebellion paid off, and extinguished, once for all; so that really the amount of our national debt was reduced during the fiscal year just closed, including the payment of back interest on the compound interest notes, by little less than one hundred millions of dollars. And instead of the entire current expense of the Federal Government, except for the payment of principal and interest of the public debt, being "mere than \$300, 000,000," it was considerable less than \$200,-000,000.

How do Seymour's pettifoggers meet this crushing exposure of their master's falsehoods and calumnies?

I. The World characterizes our elucidation of the actual financial situation as a "disgraceful business." It sees nothing disgraceful in Seymour's falsehoods-it is their exposure and annihilation that moves it to vituperation. Some people have queer tastes.

II. It assumes that Mr. Allison was ignorant of the facts set forth in Mr. Wells' report. This is mere reckless assertion. Mr. Allison may have been perfectly familiar with the facts, yet prefer that they should be set forth by an officer of the Treasury whose position and duties constrain him to understand them perfectly, and whose statements no one will

venture to dispute.

III. The World wonders why these facts were not set forth at an earlier day. As the fiscal year closed less than five weeks ago, and as it is somewhat difficult to state the outgoes of a year till after that year has expired, we need say nothing on this head.

IV. The World tries to be og the expense of the Freedmen's Bureau, and to put Mr. Wells' accounts into conflict with those of General Howard. But General Howard had smashed this juggle beforehand by stating that the aggregate payments from the Trea sury expressiy on account of the Freedmen's Bureau, from January 1, 1865, to January 1, 1868, were \$5,955,888; but that certain Commissary and other stores had been furnished to the order of that Bureau from the depots of the regular army, while certain military officers, who were administering or serving the Bureau, were paid with their respective commands, as though employed in the regular military service. If the Bureau is charged with these stores and the pay officers, as it fairly may be, these then its total cost from the outset, to Jan-1, 1868, including millions of rations dealt out to famishing white Rebels, is \$9,954,-370; otherwise, it is less than six millions, as aforesaid. Mr. Wells, of course, takes these accounts as they stand on the Treasury books, having no alternative. The Freedmen's Bureau might fairly be charged with more; but every penny added to this must be subtrated from the cost of maintaining the army;

hence we have added them together above, so as to leave no room for cavil. The cost of maintaining the army, including that of the Indian war on the Plains, supporting the Freedmen's Bureau and enforcing the Recon-struction acts aggregated, was less than sixty-

three millions, as is shown above.

V. The World wonders why we have to pay \$38,000,000 for military bounties in 1867-8. Answer .- This money was long ago due to our volunteers for helping to put down the Demo-cratic Rebellion of 1864-65. It ought to have been paid before; but the scrutinizing of so many claims and accounts has required much time. Suppose the money was honestly due in 1866, but unpaid: is there any reason for not paying it since?

VI. The World asserts that the British Peusion list is far less, with an army of 136,139 men, than ours with an army of 50,000. But our Pension List is not for an army of 50,000 men, but for the several armies of over two millions, first and last, of volunteers who put down the Slaveholders' Rebellion; doing more solid fighting in four years than all the British armies have done within the last century.

VII. The World contrasts the cost of the British engineer service with ours, and wonders how our Engineer Bureau spent over \$6,000,000 last year. Answer .- It spent nine-tenths of it in constructing a steamboat canal around the lower falls of the Mississippi at Keokuk, and other works of internal improvement which have nothing to do with military affairs, except that they are prosecuted under the charge of the Engineer Bureau, in order that the work may be well done and the public money not stolen. Why thus expose your ignorance in vain attempts to gratify your

-Friends of Grant and Colfax ! try to have Wells' report on the finances read by all your

Working of the Reconstructed Governments.

From the N. Y. Times.

The pro-Rebel crusade against Reconstruction would be more plausible and more just if it were less directly at variance with facts revealed by the working of the new Governments. If their organization rested upon sweeping and permanent measures of proscription, or if in their operation they were found making war upon particular classes. upon property, or upon the enterprise and industry on which the prosperity of the South must be rebuilt, it would be easy to extenuate, and perhaps to justify, the course of the Southern leaders. Their policy might not admit of defense, but the causes of their action would be apparent, and a certain reasonableness would be conceded to it. What then, senerally, are the facts in regard to the seven States which have been restored to the Union under the Reconstruction acts?

The new Governments are at work in all of They have been organized under great difficulties. Circumstances have in many instances favored the pretensions of inferior men, and have lent importance to matters and influences which it is not desirable to perpetuate in their present shape. There lack of experience in many directions, and there are in all sources of embarrassment and difficulty which no candid observer will ignore. Very large allowance should, in fact, be made, as well for the men composing

the new Governments as for their proceedings. And yet their most malignant assailants confine their attacks to general denunciation of the nature of the Governments and the authority which called them into existence. the exception of North Carolina, where a disposition to tread in the footsteps of Brownlow is attributed, not altogether without reason, to Governor Holden, we look in vain for spacific allegations of harshness or wrong. Even there, judging from experience elsewhere, it is bugaboo, General Blair's first letter, fair to set down something to partisan exagthere, judging from experience elsewhere, it is geration, and to the circumstances which narrow the Governor's choice of procedure. Besides, supposing his spirit to be bitter, it does not appear to have impregnated the Legislature, and it certainly has neither warrant nor aid in the labors of the State Convention. The provisions of the local Constitution are eminently wise; and there is an evident appreciation, both by the Legislature and the Executive, of the educational and material needs of

In Louisiana, again, the course of events is not so smooth as the friends of the South desire it to be. The operation of the Government is impeded, and current references to the probable necessity of Federal interference betoken a feebler civil authority than is required when dealing with organized and unscrupulous enemies. This condition of things, however, implies nothing discreditable to the new Government. It is not charged with an abuse of power, or with neglect of duty, or with aught prejudicial to the industry and credit of the State. If its embarrassments are more serious than those of any other State, it is because in Louisiana the spirit of hostility to all loyal authority is more defiant, and practically more formidable than in the other six States. A fact which does not reflect unfavorably on reconstruction, but rather vindicates the stringency of some of its mea-

Nor has the abusive ridicule with which the new Government of South Carolina has been assailed, provoked its legislators to depart from the sensible course marked out by the Constitutional Convention. Unfortunate jealousies have shown themselves, and practical measures are retarded by questions of patronage. But we trace no sign of the extreme measures which disaffected whites profess to dread. The "negro legislature," as it is called, is in truth more moderate, and withal more just than its assailants. And the opening message of the new Governor gave proof of the sagacity and good feeling with which the authority of the Executive will be

exercised. Alabama has advanced further, and in some respects more satisfactorily. The Common-Carrier bill, providing for the unrestrained and equal access of whites and blacks to railroad cars and steamboats creates excitement; but its significance is infinitely less than the favor with which efforts for the removal of all disabilities are regarded by the Republicans. 'The native Republicans generally favor it,' a despatch from Montgomery reports, and the time is not distant, we trust, when it will be successful. The worst obstacles to this and every other measure tending to reproduce harmony is the flerce opposition of those

whom it is proposed to benefit. The position of affairs in the Georgia Legislature is not less creditable. More appears to have been done there than in any other State towards the blending of moderate elements. irrespective of partisanship, and the Legislature is evidently riper and under more saga-cious leadership. Were it not for the wild harangues of Toombs and Cobb and Ben. Hill, Georgia might be supposed to be reconstructed in heart as well as in form. We don't know that their folly should be held to prove otherwise, but it displays the nature of the opposi tion to be encountered. Judging of the Rebel orators by their speeches, and the reconstructed Government by its action, it is safe to conclude that the latter has much the stronger claim upon the respect of the State. Its worst enemies are they who in its name seek to reopen questions which reconstruction has righteously and, as we believe, effectually

"Democracy Means Revolution." From the N. Y. World.

This startling heading, from the Tribune, is followed by these opening paragraphs of a long article in the same strain:-

"If Democracy does not mean revolution what does it mean? All efforts to cloud the can vass by introducing new issues have failed. The lines of demarcation are drawn with won-derful distinctness. Financial questions, taxa-tion, and tariffs, foreign and domestic economy are subsidiary. There will be no serious trouble about paying the debt, when the time comes to pay it. We can trust the common sense of the country for that. Tariffs and taxation will right themselves in obedience to the immutable laws of supply and demand. The issue that transcends and absorbs all these is simply this: ranscends and absorbs all these is simply this:
—Shall we have a revolution? A certain policy has been adopted. Whatever may be said about reconstruction; whatever may be its merits or demerits, it is now the supreme law of the land. The fourteenth article places the whole question of reconstruction above the reach of any political party. Even give the Democracy the fullest triumph. Suppose it elects Mr. Seymour and a majority of the House, the Senate is radical and strong enough to yet o any attempt to amend or destroy the to veto any attempt to amend or destroy the work of Congress. The whole power of the Democratic party could not take the par from a single Rebel, or place a bar upon a single negro. Nay, even in the smail matter of the dispensation of office, a Democratic President would be powerless. He could not touch a redical powerless. would be powerless. He could not touch radical postmaster without the consent of radical postmaster without the consent of a radical Senate. He would be merely the minister of laws which he disapproved, and the servant of a Senate that did not trust him. How then could the election of Seymour conduct to the advantage of the Democratic party? How could the new administration carry out the wines of its constituents. the wishes of its constituents? Simply by

revolution.
"The Democratic party understands this, and to gain power is prepared to take the responsi-bility of revolution, even unto war. Remem-ber the defiance of Frank Biair, which gave him the unanimous vote of the Democratic

The idea with which the Tribune sets out is perfectly correct, namely, that the chief issue presented in this canvass is, whether the negro reconstruction shall stand. The Tribune is in error, however, when it says that "the fourteenth amendment places the whole question of reconstruction beyond the reach of any political party." The so-called fourteenth amendment leaves the regulation of the suffrage to the States, but deprives them of a portion of their representatives in the lower branch of Congress if they exclude the negroes. Waiving the question whether this amendment has been properly ratified, it does not interfere with the upsetting of all that has been done by Congress in the Southern States since it was first proposed. The Southern States may displace the negro governments and still retain their equal representation in the Senate-far more important to them than a full representation in the House. By replacing suffrage on the white basis, they will take security against being misrepresented in either branch of Congress, and will regain all the advantages of domestic self-government.

Having shown that the Tribune's reference to the fourteenth amendment is not pertinent, we quite agree with it as to which is the main issue in the ensuing election. Is negro "reconstruction unconstitutional, revolutionary, and void ?" If Governor Seymour is elected, the people decide this question in the affirmative; if General Grant, in the negative. So far, if we understand our contemporary, the World and the Tribune agree.

But the Tribune raises the question whether the decision of the people, thus rendered, shall be respected. The tenor of its article is, that if the Republican party succeeds, it shall; but if the Democratic, it shall not But why is not one party just as much bound by the will of the majority as the other? by the will of the majority as the other? What is sauce for the goose is sauce for the gander. Even the Tribune does not profess any fears that the Democratic party will undertake a "revolution," unless it succeeds in electing its candidates. That great bugaboo, General Blair's first letter, lable from which it can be inferred that the bogus negro Legislatures and carpet-bag governments are to be sent budging, except by the election of a Democratic President. If General Grant is fairly elected, the new policy will have on its side both the machinery of the Government and a preponderance of the physical strength of the country. Not a word has been uttered by any responsible Democrat indicating a purpose to disturb it if it should be indorsed by a majority of the people. But if a majority of the people reprobate it and condemn it, as they will if they elect Seymour and Blair, the *Tribune* insists that it shall nevertheless stand, though at the cost of a civil war!

Unless the Tribune holds this anti-republican, this atrocious and diabolical doctrine, the ory of revolution and bloodshed which it raises against the Democratic party is arrant nonsense and absurdity. The Tribune tells us that if Seymour is elected, the radical Senate will stand out against the decision of the country; that the radical party will take up arms to sustain it in thus resisting the majority of the people. It is only by such a refusal to accept the result of the election, only by resistance to the declared will of the majority, that a new civil war is possible. The radical organs and orators are all threatening war if the Democratic party succeeds. It is a threat against the sovereign majority of the people. It is treason against the very princi ple of republican government—the right of the

majority to rule. The people have never yet had an opportunity to give their verdict on the Reconstruction acts. At the time of the last Congressional elections those acts had not hatched. In the State elections held last year, there was a more sudden and surprising reaction than was ever before witnessed in this country. The people will now be permitted, for the first time, to give their demberate judgments on those acts. The Republicans confess that the issue is so boldly presented that it cannot be blinked. The Democratic Convention have made it impossible for any citizen to vote for 'Seymour and Blair without intending to condemn the reconstruction policy of Congress. If they are elected, that policy will have been explicitly

repudiated by a majority of the people. The Tribune declares that the Republican Senate and the Republican party will not submit to such a decision, though made by the people; declares, in substance, that the Republicans will see the land again drenched with blood rather than give up their policy, even after the sovereign people have condemned it. There can be no civil war in consequence of Mr. Seymour's election, unless the Republicans set at naught the solemn judgment of the people deliberately pronounced. But the Tribune informs us that the Republican Senate will thus defy the people; and that the Repub lican minority will sustain such defiance by all the bayonets they can muster. And the party that utters these threats has the effrontery to proclaim its opponents revolutionists!

Depreciation of Bonds and the Cause.

From the Chicago Tribune. We are constantly reminded by the Copperhead press and sponters that five-twenty bonds sold at one time during the war as low as forty cents-that is, the Government received in gold but \$40 for which it gave its obligation, at six per cent., for \$100. But we must remind them in return that forty per cent. repsented the world's opinion of the chances of the Union surviving the assault made upon it by the Democratic party of the South, aided it is semething more; it is intercourse. It

and abetted by a majority of the party in the North.

The rates at which our bonds sold during the war were an unerring indication of the chances of the destruction or salvation of the Union, in the opinion of capitalists, in both Europe and America. From the report of the United States Revenue Commissioner, we find that the selling price of 7:30 bonds for the first quarter of 1862 was only 96½ cents in gold value; for the second quarter of the same year, 99 9-10; for the third quarter, 89; for the fourth quarter, 70. These bonds were convertible into 5-20s. During the year 1863 the gold price of our 7.30s and 5.20s averaged 67, 714, 81, and 697 for each quarter of that year. In 1864 the gold price of the bonds were 67, 58, 45\(\frac{1}{2}\), and 51. This was the year the Democratic party officially declared "the war to be a failure," and tried so desperately to make it one.

The lowest point our bonds ever reached was in the third quarter of 1864, in which the Copperhead Chicago Convention was held. In the world's opinion the chances were largely against the Union surviving the attack upon it, and men would give but forty to fifty dol-lars for a bond. The defeat of the Copperhead party for President caused the bonds to rise six cents in gold on the dollar. In the first quarter of 1865, they were worth 54; in the second quarter, 714; in the third quarter, 74; and since then they have averaged about 75 cents. The constant clamor of the Western Copperheads to pay them in new issues of greenbacks, without making provision for the redemption of the latter, has kept down the value of our national securities to their present price.

If the Democratic party of the North had worked as heartily and faithfully as the Republican party to put down the rebellion the bonds would never have sold below ninety per cent., and the rebellion would have been crushed out a year and a half before it was. The debt would have been less than half what it is; our green backs would be equal to gold and our bonds would bear a premium in the world's money markets. One half of the principal of the debt and all the depreciation of the bonds and greenbacks must be charged to the account of the Democratic party. It was their unfaithful, their unpatriotic, Copperhead conduct that created half the debt, and half the bloodshed; that caused our bonds to sell as low as 40 cents on the dollar, and gold at one time to amount to 280, and all the nations of the earth but hopeful Germany, to give up the great American Republic as lost. And yet these disloyal wretches who brought the Union to the brink of aunihilation by their lack of patriotism are brawling for repudiation, because, for sooth, the bonds did not realize their full face in gold !

The Power of Congress to Regulate Railway Commerce.

From the N. Y. Nation. There is a continuous line of railway communication between Boston and Omaha. The companies which control this line owe their existence to the separate legislation of Massachusetts, New York, Ohio, Michigan, Indiana, Illinois, and Iowa. Passengers and goods may be carried from one of these points to the other without change of cars or transhipment, and are, of course, on their route, successfully brought under different and perhaps conflict-ing codes of local laws. May Congress apply to this line and to all others similarly situated a uniform rule in respect to all matters connected with the business of transportation?

The answer which we must give to this inquiry, and the key to the whole discussion, depend upon the answer to another question: -is the transportation of passengers and goods upon railways to be called commerce, so that if the transportation be from one State to another there thence exists "commerce among the States?" If so, the power we are considering plainly exists, for the Constitution in express terms authorizes Congress to "regulate commerce among the several States."

The national Constitution is an enumeration

of general legislative functions conferred upon the Government rather than a description and definition of the particular acts of law-making which Congress may perform. Political parties have to a great extent been divided upon the question, What specific powers are included within these generic statements of the organic law, and, therefore, what measures are Congress permitted from time to time to adopt The discussion which began at the very outset has continued to the present day, and has been participated in by the legislators, the judiciary, and the people. General principles of interpretation have been repeatedly assumed by Congress in making a law, confirmed and established by the Supreme Court in declaring the law valid, and approved by the people in the choice of their representa Yet it has constantly happened that tives. when a new measure is proposed, although it is clearly within the general principles of constitutional interpretation settled by the highest authority, and is in all respects analogous to others with which the people have long been familiar, it is opposed, the power of Congress to pass it is denied, simply because it is new, because the object to which it is directed has never before been brought within the scope of Congressional legislation. The contest must be again waged from the beginning; first principles must again be appealed to, as though the combined assent of legislators, judges, and people had determined nothing in respect to our organic law. This statement is most emphatically true in reference to the subject now under consideration. Congress has again and again enacted laws in every respect analogous to the proposed measure, laws depending upon the same generic grant of power, and interfer-ing in an equal degree with the State legislation. These laws have often been subjected to the scrutiny of the Supreme Court, and as often been upheld. The long line of splendid judgments upon the power of Congress to regulate commerce, commencing with Gibbons vs. Ogden, in 1824, and ending during the current year, has completely settled every principle upon which the authority to control nter-State railways depends. Nothing is new except the particular object to which it is now proposed to direct the regulative function. Yet we see two Democratic members of the Committee on Commerce dissenting peremptorily from the decision of the majority, and denying the existence of any power in Congress to regulate railways. The Constitution declares that "Congress

shall have power to regulate commerce with foreign nations, among the several States, and with the Indian tribes." It should be noticed that there is no difference whatever in the compulsive efficacy of these three grants; each one is as comprehensive as each of the others. To whatever extent Congress may regulate commerce with foreign nations, it may regulate commerce among the several States; the one function bears no badge of inferiority to the other. No one now questions or limits the pational authority over foreign commerce; that over inter-state commerce is equally broad and if it has not been so fully exercised, this has resulted simply from motives of policy. Chief Justice Marshall said, in Gibbons v. Ogden: "The subject to be regulated is commerce: and our Constitution being, as was aptly said at the bar, one of enumeration and not of definition, to ascertain the extent of the power it becomes necessary to settle the meaning of the word. Commerce undoubtedly is traffic; but

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describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribing rules for carrying on that intercourse." In a subsequent case the same great judge shows that commerce includes traffic as well as mere intercourse. In the celebrated "Passenger Cases" (1849) the Supreme Court formally decided that persons may be the objects of commerce, and that the transportation of persons is branch of commercial intercourse which may be regulated by Congress. State laws interfering with the national regulations were pronounced void. These principles lie at the basis of all the legislation of Congress, and of all the judgments of the Supreme Court, and have become a part of the established consti-

which can ever be demanded and enacted for

the government of land transportation and

traffic. In this class are found regulations for

the ownership, transfer, and use of vessels

sailing upon foreign voyages or from one State

to another. Other statutes regulate the use

and conduct of the vessels themselves, provide

for the safety of crews and passengers by pre-

scribing rules concerning boilers, engines,

medicines, bulk, ventilation, number of the

crew, the form and nature of their contract

of hiring, their rights, powers, and duties. No one questions the validity of such laws as these. Not a steamer sails from New York

to an adjacent port which is not under the control of United States statutes; not one

plies on the great lakes, or on the Ohio or the Mississippi, which is not in like manner

the object of national legislation. Many of

these vessels are owned by corporations created

under State authority, which are thus inter-

fered with in the same manner as railway com-

panies would be if the measure under discus-

sion should be adopted. But Congress has

gone much further in its work of regulation.

It has invaded the common law of the States,

and has relieved the owners of vessels from

much of the liability as carriers of goods which

that law casts upon them. The Suprame

Court has sustained the statute which makes

this change, and has declared that it applies

to the great lakes and navigable rivers as well

as to the ocean. Again, Congress has assumed

to authorize the construction of certain bridges

over great rivers which run between several

States. The Supreme Court, in the case of

Pennsylvania vs. Bridge Company, 18 How-

ard's Rep., has directly sustained this exercise

of power. In the very late case of Gilman vs.

Philadelphia it was conceded by the same tri-

bunal that the national legislature may, by

general or by special laws, provide for the

erection of bridges over streams navigable

from the ocean, whether lying entirely within

These examples of the existing system of

regulation might be indefinitely multiplied.

But enough has been said to show that the

principles upon which the whole question of

power turns have been settled; that commerce

includes transit as well as traffic; that inter-

state commerce is as much within the scope of

the Congressional function as that which is

foreign; and that the national legislature has,

to a large extent, exercised its authority over

the intercourse among the States carried oa

in the natural water channels of intercom

munication. The whole discussion is, there-

fore, reduced to one narrow point. Unless in-

tercourse by land, over the natural or artificial

ways now in use, is not commerce, Congress has ample authority to prescribe rules govern-

ing the inter-state transportation of persons

It hardly needs an argument to show that

the methods and instruments of the inter-

course-bridge or river, stage-coach or pack-

mule or railroad - are not the essential facts;

these change; new inventions banish the ob-

jects which were once familiar and to which

the laws once applied, and the laws must be

amended in order to adapt themselves to the

altered circumstances. The Constitution con-

cerns itself only with the fact that persons

and merchandise are transported from foreign

countries to our own, or from one State to an-

other, and not with the particular methods

which may be in use from time to time to

effect this transit. The Supreme Court very properly said in Gilman vs. Philadelphia:

'It must not be forgotten that bridges, which

are connecting parts of turnpikes, streets, and

railroads, are means of commercial transpor-

tation as well as navigable rivers, and that

the commerce which passes over a bridge may

and merchandise by railways.

a single State or not.

tutional law of the country. Commerce, therefore, contains two elements, transportation and traffic; each of these may be regulated, if they are carried on with for eign nations, or between two or more States. We are so geographically situated that by far the greater part of our commercial intercourse with foreign countries is conducted upon the ocean; and thus it necessarily happens that most of the laws regulating that intercourse are made applicable to water transportation. For a considerable period of our history most of our inter-state commerce was also transacted upon navigable waters, partly upon the ocean, partly upon the great chain of lakes which skirt the northern frontier, and partly upon the vast rivers which divide and separate many of the States; and it happens that most of the regulations which affect this intercourse have reference to navigation or to navigable waters. Congress has, by virtue of its general func-tion, prescribed rules governing all this navigation as special and minute, and interfering as radically with State legislation, as any

> be much greater than would ever be transported on the water which it obstructs.' One consideration, however, is absolutely conclusive upon this point. If the power of Congress extends only to that inner-State transit which is carried on through the natural water channels, and does not also embrace that carried on through the means of railways and other artificial channels, then the same is true as to its power over foreign commerce. Those who deny the authority of Congress to regulate the railway traffic through the States must, of necessity, deny its power to regulate the railway or other land traffic with Canada or with Mexico. In fact, the opponents of the proposed measure are driven to the position that the Constitution was only framed for the state of things, physical as well as political, which existed at the time of its adoption, and that it contains no quality of elasticity, no faculty of adaptation to the changes in the forms of conducting the activities of life, and to the progress in the material arts.

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